



United States Attorney
Eastern District of Missouri

Violent Crime Unit

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August 11, 2016

VIA ELECTRONIC SERVICE

Assistant Federal Public Defender
Attorney for Defendant Donte Handy
c/o Ms. Erika Deatherage

In re: United States v. Donte Handy
Cause No. 4:16 CR 328 CEJ PLC

Dear Counsel:

As you are aware, your client was indicted by the Federal Grand Jury on July 27, 2016, for events which occurred on or about June 1, 2016, in the County of St. Louis, within the Eastern District of Missouri. In order to assist you in the determination of any relevant pretrial motions to be filed in this case, please be aware of the following information:

1. **DISCOVERY** - The Government agrees to provide you with all relevant material within the purview of Federal Rule of Criminal Procedure 16. The discovery has been provided to you via USA File Exchange. If you are unable to open or read the content, please contact me immediately.

2. **ELECTRONIC SURVEILLANCE** - The Government did not utilize electronic surveillance in the investigation underlying the charges set forth in the indictment.

3. **CONFIDENTIAL INFORMANTS** - The Government did not utilize a confidential informant in the course of the investigation of this matter.

4. **JENCKS MATERIAL** - The Government agrees to make all Jencks material available no later than the Friday preceding trial, conditioned upon the defendant's agreement to produce simultaneously statements of the defendant's witnesses.

5. **GRAND JURY TRANSCRIPTS** - The Government agrees to produce, and make available for inspection, all Grand Jury transcripts to the extent they constitute Jencks material.

6. **OTHER CRIMES EVIDENCE** - The Government agrees to advise the defendant of its intention to use evidence of other crimes during its case-in-chief. The Government agrees to make this disclosure prior to the trial of this cause.

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7. STATEMENTS OF DEFENDANT - The Government is aware of statements made by the Defendant. Documents and recordings reflecting those statements have been provided to you via USA File Exchange.

8. IDENTIFICATION OF DEFENDANT - The Government is not aware of post-arrest identifications of the Defendant.

9. PHYSICAL EVIDENCE - The Government possesses items of physical evidence seized in relation to the crimes charged in the indictment. These items are available for inspection upon request.

10. FAVORABLE EVIDENCE - The Government agrees to furnish any and all favorable evidence to the Defendant if and when its existence becomes known to the Government. At the present time, the Government does not have any favorable evidence.

For your convenience, the following documents and recordings related to this matter have been uploaded to the USA File Exchange for your viewing:

- Florissant Police Department (“FPD”) Incident Report 16-003311;
- FPD Waiver of Rights Form;
- Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) Report #2;
- St. Louis County Police Department (“SLCPD”) Crime Laboratory Weapon Analysis Report;
- SLCPD Controlled Substance Analysis Report;
- Recorded interview of Defendant; and
- Documents related to Defendant’s criminal history, including the following certified conviction:
 - Cause No. 0922-CR0610-01, in the St. Louis City Circuit Court for Unlawful Use of a Weapon; and
 - Cause No. 1222-CR05250-01, in the St. Louis City Circuit Court for Unlawful Use of a Weapon.

Should you have any problems viewing the uploaded files, please contact me immediately. If you need any further specific information regarding the above matters, or any other matters, that will prevent the filing and litigation of any unnecessary pretrial motions, please do not hesitate to call me.

In order to avoid the need for filing motions pursuant to Federal Rules of Criminal Procedure 12.1(a), 16 and 26.2, the Government requests that:

A. The defendant provide the United States a written notice of the defendant's intention to offer a defense of alibi, stating the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi;

B. The defendant provide the United States, or permit the United States to inspect and copy or photograph, books, papers, documents, photographs, tangible objects, or copies thereof, which are within the possession, custody or control of the defendant and which the defendant intends to introduce as evidence in chief at trial;

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C. The defendant provide the United States, or permit the United States to inspect and copy or photograph, any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to his testimony;

D. The defendant provide the United States a written summary of testimony the defendant intends to use under Rules 702, 703 and 705 of the Federal Rules of Evidence as evidence at trial. This summary must describe the opinions of the witnesses, the bases and reasons therefor and the witnesses' qualifications;

E. The defendant provide to the United States all statements of any defense witness that are in the defendant's possession and that relate to the subject matter to which the witness will testify.

The Government requests that it receive the information regarding alibi requested in Section A no later than the date of the pretrial motion hearing. The Government also requests that the defendant provide all information specified in Section E no later than noon on the Friday preceding trial to eliminate any delay in the trial of this cause.

I would appreciate a written response prior to any pretrial motion hearing to determine whether I will have to file formal requests for a court order to enforce discovery compliance. I thank you in advance for your anticipated cooperation.

Very truly yours,

RICHARD G. CALLAHAN
United States Attorney

/s/ Sayler A. Fleming
BY: SAYLER A. FLEMING
Assistant United States Attorney

cc: Clerk, United States District Court (w/o encls.)